

REMARKS

The present application was filed on June 14, 2001 with claims 1 through 59. Claims 25-29, 40-44, and 55-59 were cancelled due to a restriction requirement. Claims 1-18, 30-37, and 45-52 were cancelled in the Voluntary Amendment dated June 29, 2006. Claims 19-24, 38, 39, 53, and 54 are presently pending in the above-identified patent application. Claims 19, 23, and 38 are proposed to be amended and claims 22, 39, 53, and 54 are proposed to be cancelled herein.

In the Office Action, the Examiner rejected claims 19-24, 38-39, and 53-54 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The Examiner also rejected claims 19-24, 38-38(39), and 53-54 under 35 U.S.C. §103(a) as being unpatentable over Song et al. (United States Patent Application Publication Number 2002/0157103A1) in view of Barton et al. (United States Patent Number 6,744,915 B1).

Section 101 Rejection

Claims 19-24, 38-39, and 53-54 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Regarding claims 38-39 and 53-54, the Examiner asserts that the cited claims are non-statutory because paragraph [0122], page 32 of the specification, defines medium to include transmission medium thereby making the claim as a whole, in light of the specification, a signal. Regarding claims 19-24, 38-39, and 53-54, the Examiner asserts that the cited claims cover an abstract idea (computer program) and that 1) there is no physical transformation recited in the claim, and 2) no useful and tangible result recited in the claim.

Applicants note that claims 22, 39, 53, and 54 have been cancelled, without prejudice. Applicants also note that claim 38 does not recite the term "medium" and is limited to a system for periodically broadcasting levels of detail of stroke data, comprising a memory that stores computer-readable code; and a processor operatively coupled to the memory. Thus, claim 38 is directed to statutory subject matter.

Regarding the Examiner's assertion that 1) there is no physical transformation recited in the claim, and 2) no useful and tangible result recited in the

claim, Applicants note that the Supreme Court has stated that the "[t]ransformation and reduction of an article 'to a different state or thing' is the clue to patentability of a process claim." *Gottshalk v. Benson*, 409 U.S. 63, 70, 175 U.S.P.Q. (BNA) 676 (1972). In other words, claims that require some kind of transformation of subject matter, which has been held to include intangible subject matter, such as data or signals, that are representative of or constitute physical activity or objects have been held to comply with Section 101. See, for example, *In re Warmerdam*, 31 U.S.P.Q.2d (BNA) 1754, 1759 n.5 (Fed. Cir. 1994) or *In re Schrader*, 22 F.3d 290, 295, 30 U.S.P.Q.2d (BNA) 1455, 1459 n.12 (Fed. Cir. 1994).

Thus, as expressly set forth in each of the independent claims, the claimed methods or system describe techniques for periodically broadcasting levels of detail of stroke data and transform the original stroke data from a whiteboard to derive predicted stroke data. This transformation to predicted stroke data provides a useful, concrete and tangible result.

Applicants submit that each of claims 19-21, 23, 24, and 38 are in full compliance with 35 U.S.C. §101, and accordingly, respectfully request that the rejections under 35 U.S.C. §101 be withdrawn.

Independent Claims 19 and 38

Independent claims 19 and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Song et al. in view of Barton et al. Regarding claims 19 and 38, the Examiner asserts that Song teaches creating a plurality of levels (dividing into segments) for the media content (multimedia presentation), and periodically transmitting (in periodic transmission process) each level (segments) (FIG. 1; page 2, paragraphs [0011-0013]). The Examiner acknowledges that Song does not expressly disclose "determining original stroke data from a whiteboard and for each of a plurality of levels of detail, determining predicted stroke data from the original stroke," but asserts that Barton teaches determining original stroke data from a whiteboard (col. 1, lines 54-67); and for each of a plurality of levels of detail, determining predicted stroke data from the original stroke (FIG. 5; col. 9, lines 51-63).

Applicants note that the independent claims have been amended to incorporate the limitation of claim 22. The Examiner had previously indicated that claim 22 would be allowable if rewritten in independent form in the Office Action dated September 21, 2006. In the present Office Action, the Examiner acknowledged that Song
5 does not expressly disclose the cited limitation, but asserts that Barton teaches that, "for each of levels of detail, there are a plurality of segment estimators with low pass filters to combine strokes and their estimations for an area estimates as predictive analysis in the set" (FIG. 5; col. 7, line 59, to col. 8, line 36).

Applicants note that Barton is directed to an image identification apparatus
10 (see, Abstract.) In the text cited by the Examiner, Barton teaches that

connected to the cache memory unit 100 via first and second
output conductors 102, 104 is a *direction processor 106* and a *speed
processor 108*. Connected to the direction processor 106 and the speed
processor 108 are first and second low pass filters 110, 112 respectively.
15 Connected to an output of each of the low pass filters 110, 112 is a first
and a second segment estimator 114, 116.
(Col. 7, line 63, to col. 8, line 2; emphasis added.)

Therefore, low pass filter 110 is associated with direction and low pass
filter 112 is associated with speed. Applicants read Barton to disclose only one level of
20 detail for speed and one level of detail for direction. Barton does *not*, however, disclose
or suggest *more than one level of detail* and does *not* disclose or suggest that the
determining predicted stroke data step further comprises the steps of: for a *lowest level of
detail*, determining segmentation points of the original stroke data and using the
segmentation points as the predicted stroke data for the lowest level of detail; and for
25 *higher levels of detail*, determining feature points determined by using an area-based
error method that uses points in a lower level of detail, wherein the feature points are
used as the predicted stroke data. Independent claims 19 and 38, as amended, require
wherein the step of determining predicted stroke data further comprises the steps of: for a
lowest level of detail, determining segmentation points of the original stroke data and
30 using the segmentation points as the predicted stroke data for the lowest level of detail;
and for higher levels of detail, determining feature points determined by using an area-
based error method that uses points in a lower level of detail, wherein the feature points

are used as the predicted stroke data.

In addition, since Song is directed to the segmentation of a multimedia presentation, and does *not* address the issue of levels of media content, and since Barton is directed to an image identification apparatus and does *not* address the issue of levels of media content, a person of ordinary skill in the art would not be motivated to combine the cited references.

Thus, Song et al. and Barton et al., alone or in combination, do not disclose or suggest wherein the step of determining predicted stroke data further comprises the steps of: for a lowest level of detail, determining segmentation points of the original stroke data and using the segmentation points as the predicted stroke data for the lowest level of detail; and for higher levels of detail, determining feature points determined by using an area-based error method that uses points in a lower level of detail, wherein the feature points are used as the predicted stroke data, as required by independent claims 19 and 38, as amended.

Dependent Claims 20-24, 39, and 54

Dependent claims 20-24, 39, and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Song et al. in view of Barton et al.

Claims 20-21 and 23-24 are dependent on claim 19 and are therefore patentably distinguished over Song et al. and Barton et al., alone or in combination, because of their dependency from amended independent claim 19 for the reasons set forth above, as well as other elements these claims add in combination to their base claim. Claims 22, 39, and 54 are proposed to be cancelled, without prejudice.

All of the pending claims following entry of the amendments, i.e., claims 19-21, 23, 24, and 38, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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10